

# UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Division

FILED

SEP 03 2019

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Chattanooga

Dr. Robert G. Modrall

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

US Department of Education

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

1:19-cv-250

(to be filled in by the Clerk's Office)

McDonough / Lee

## COMPLAINT AND REQUEST FOR INJUNCTION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Dr. Robert G. Modrall
Street Address	894 Yates Springs Rd.
City and County	Ringgold Catoosa
State and Zip Code	30736
Telephone Number	(706)965-2688
E-mail Address	rgmodrall@gmail.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Adele Rapport
Job or Title <i>(if known)</i>	Regional Director
Street Address	230 SOUTH DEARBORN ST., 37TH FLOOR
City and County	Chicago, Cook
State and Zip Code	Illinois, 60604
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Leticia Soto
Job or Title <i>(if known)</i>	Senior Attorney
Street Address	230 SOUTH DEARBORN ST., 37TH FLOOR
City and County	Chicago, Cook
State and Zip Code	Illinois, 60604
Telephone Number	(312)730-1740
E-mail Address <i>(if known)</i>	leticia.soto@ed.gov

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Civil Rights Act

42 U.S.C. § 1981

42 U.S.C. § 1983

42 U.S.C. § 1985

42 U.S. Code § 1986

51 U.S. Code § 40909

20 U.S. Code § 1681

Whistleblower Protection Act

18 U.S.C. § 241

18 U.S.C. § 242

18 U.S.C. § 3521

Racketeer Influenced and Corrupt Organizations Act

18 U.S.C. § 1510

18 U.S.C. § 1512

18 U.S.C. § 1513

Freedom of Information Act

28 CFR 513.66

18 U.S.C. § 1621

Miscellaneous

18 U.S. Code § 2381

28 U.S.C. § 1443

28 U.S.C. § 509B

18 U.S.C. § 2340

18 U.S. Code § 2382

18 U.S. Code § 2384

18 U.S. Code § 2441

United States Constitution

Equal Rights Under the Law

Civil Action for Deprivation of Rights

Conspiracy to Interfere With Civil Rights

Action for neglect to prevent

Compliance with title IX of Education Amendments of 1972

Sex

Conspiracy Against Rights

Deprivation of Rights Under Cover of Law

Witness Relocation and Protection

Obstruction of Criminal Investigations

Tampering With a Witness, Victim, or Informant

Retaliating Against a Witness, Victim, or Informant

Denials and Appeals of Freedom of Information Act Requests

Perjury

Treason

Civil Rights

Section to Enforce Human Rights Laws

Torture

Misprision of Treason

Seditious Conspiracy

War crimes

Article 3, Section 1

Amendment I, V, VI, and XIV

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\_\_\_\_\_

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

This has been a systemic issue throughout all Federal agencies and all institutions receiving funding from the United States since the aggrieved Plaintiff provided evidence of the illicit criminal misconduct of former US Senator Bob Corker and former President Barack Obama as well as numerous others in 2009. In 2013, US Magistrates Susan Lee, William Mitchell-Carter, Bruce Guyton and District Judge Curtis Collier recused themselves and admitted their own complicity in committing numerous felonies causing considerable harm to the community and especially the Plaintiff. The discrimination, deprivation of rights under color of law, threats, hostile retaliation, etc. have continued ever since from all Federal agencies and many academic institutions. The Plaintiff petitioned the US Supreme Court for Writ of Certiorari 15 times between 2015-2017. Twice regarding negligence, malicious mischief, vandalism, hostile retaliation, etc. committed by American Public University System and Johns Hopkins University to no avail. Ultimately, following a Global Leadership conference at the Russian Presidential Academy where these matters were discussed at length with Princeton's Woodrow Wilson School Associate Dean Grigore Pop Eleche. The Plaintiff was forced to apply for political asylum as a refugee in France where he had been offered a Doctorate in International Relations and was tortured yet again by the French government during the Hollande administration for reporting these crimes despite providing INTER American Commission on Human Rights Precautionary Measures petition MC-162-15. Following the most recent Presidential election and even the confirmation of Kenneth Marcus as Assistant Secretary for Civil Rights negligence and discrimination have continued in all DoED OCR branch offices. This will now be the 5<sup>th</sup> year in a row applying for graduate admissions after being offered the Doctorate in 2016 which would have been completed 3 years ago and the Plaintiff has yet to be able to begin and has even applied at a lower degree level which will result in a duplication of efforts unnecessarily and substantially increased expense due to no fault of his own. Merely for being a more qualified and responsible adult than the majority of the faculty, deans, and trustees for all of the Ivy Leagues institutions, the Boston Consortium, DC Consortium, and elsewhere. Any reasonable human being should recognize that this has already caused irreparable harm. The Plaintiff has even filed through the private sector EEOC in the hope of a more positive outcome to enforce accountability on the corrupt Department of Education to no avail.

B. What date and approximate time did the events giving rise to your claim(s) occur?

August 22, 2019

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

The ongoing negligence and willful criminal misconduct has caused considerable and irreparable harm to the Plaintiff who has suffered years of cruel, degrading, inhumane treatment and atrocity crimes. Deprived of the most basic fundamental needs of human existence including education, health insurance, housing, and job placement which are theoretically guaranteed by the Educational Amendments Act of 1972 but in practical application have been denied due to the Plaintiff's status as a whistle blower. Not only is the expense of successive rounds of applications astronomical with a current income classified as catastrophic but several years of professional salary has been lost on top of what was stolen before that. Also, there is the substantial increase in student loan debt and decreased contributions into Social Security.

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#### **IV. Irreparable Injury**

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The aggrieved Plaintiff has been physically tortured, tormented, and terrorized to such an extent and over such an extended period of time as to be forced to become a refugee, flee the atrocity crimes of the Obama administration, and apply for political asylum just to be tortured again. The Plaintiff had to live in an emergency homeless shelter in Washington, DC for 2 years while completing graduate coursework, volunteering for the Federal government, working, and even moonlight catching malaria at Walter Reed and Fort Detrick in order to survive. There is no Attorney or Judge in the nation who has endured such outrageous abominable conditions and treatment.

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#### **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

A permanent injunction on the US Department of Education preventing the agency and its employees from causing any additional hardship. Placement in an appropriate degree program at Princeton and Cornell Law obviously as Princeton does not have a law school with a full scholarship covering tuition, room, and board through completion of the Doctorate; not merely the JD and an option to retain the McCormick Chair of Jurisprudence at Princeton upon the retirement of Professor Robert George. Formal public apologies from these institutions. A comprehensive forensic audit of their admissions process and procedure. Appropriate disciplinary action for those parties immediately involved and remedial education and professional development for the rest of the faculty, administration, and trustees.

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/03/2019

Signature of Plaintiff

Printed Name of Plaintiff Dr. Robert G. Modrall

### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address